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**ATTORNEYS FOR NEXPOINT REAL ESTATE PARTNERS, LLC,
f/k/a HCRE PARTNERS, LLC**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

**HIGHLAND CAPITAL MANAGEMENT,
L.P.,**

Debtor.

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§ **Chapter 11**

§ **Case No. 19-34054-SGJ-11**

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**HIGHLAND CAPITAL MANAGEMENT,
L.P.,**

Movant,

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Contested Matter

v.

**NEXPOINT REAL ESTATE PARTNERS,
LLC, F/K/A HCRE PARTNERS, LLC,**

Respondent.

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MOTION FOR PROTECTION

TO THE HONORABLE COURT:

NexPoint Real Estate Partners, LLC f/k/a HCRE Partners, LLC (“Claimant”) files this, its Motion for Protection and respectfully state as follows:

Although the Parties have tried to schedule depositions cooperatively, and in fact have agreed on certain dates for certain witnesses, certain depositions on dates selected by the Debtor

cannot proceed at this time because, *inter alia*, Claimant's counsel has had the COVID virus for some time which has prevented him from meeting with and preparing his client's witnesses to appear on the dates previously selected by Debtor.

Claimant's counsel has been in communications with Debtor's counsel, but so there are no misunderstandings and out of an abundance of caution, Claimant files this Motion for Protection to reschedule the depositions of:

- (1) James Dondero presently scheduled for July 22, 2022;
- (2) Claimant's 30(b)(6) witness presently scheduled for July 25, 2022 and
- (3) Matt McGraner, presently scheduled for July 29, 2022.

Claimant's counsel will secure dates for these depositions in the very near term such that this contested matter retains its present trial setting of November 2 – 3, 2022.

WHEREFORE, and in order to proceed with the resolution and determination of the Claim Objection as to Claim No. 146, Claimant respectfully seeks this Court's protection from the present schedule in light of the above, and that it grant such other relief as may be appropriate.

Respectfully submitted,

/s/ Charles W. Gameros, Jr., P.C.

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that he has spoken with counsel for the Debtor regarding the substance of the forgoing Motion, but that counsel has not cancelled the depositions. For the reasons described in the Motion, Claimant's counsel could not provide at this time new dates and times, and so there are no misunderstandings and out of an abundance of caution, Claimant files this Motion.

/s/ Charles W. Gameros, Jr., P.C.
Charles W. Gameros, Jr., P.C.

CERTIFICATE OF SERVICE

This is to certify parties which have so registered with the Court, including counsel for the Debtor, the United States Trustee, and all persons or parties requesting notice and service shall receive notification of the foregoing via the Court's ECF system, and are considered served pursuant to the Administrative Procedures incorporated into the Order Adopting Administrative Procedures for Electronic Case Filing, General Order 2003-01.2.

/s/ Charles W. Gameros, Jr., P.C.
Charles W. Gameros, Jr., P.C.